

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

CEMEX)	
)	
Employer)	
)	Case No. 28-RC-232059
and)	
)	
GRAPHIC COMMUNICATIONS)	
CONFERENCE OF THE)	
INTERNATIONAL BROTHERHOOD)	
OF TEAMSTERS ("GCC/IBT"))	
)	
Petitioner)	

CEMEX’S MOTION TO RESCHEDULE HEARING

Pursuant to Sections 102.16(a) and 102.24 of the National Labor Relations Board’s Rules and Regulations, the Employer, CEMEX Construction Materials Pacific, LLC (“CEMEX”), submits this Motion to Reschedule Hearing in the above-referenced case. In support of its Motion, CEMEX states as follows:

1. The Notice of Representation Hearing was issued on December 4, 2018, setting the hearing for Wednesday, December 12, 2018.
2. CEMEX is requesting that the hearing date be rescheduled to December 14, 2018, or, in the alternative, December 13, 2018.
3. The Petitioner has requested an election to represent employees at 26 separate CEMEX facilities in three different states. The parties are actively discussing the possibility of a Stipulated Election Agreement, but no agreement has been reached to date.

4. CEMEX's position is that the 23 facilities located in Southern California do not share a community of interest with the three facilities located in Region 28 and, therefore, the scope of the requested unit is inappropriate. CEMEX further believes the bargaining unit description should be expanded to include three additional job classifications. As such, CEMEX anticipates a lengthy hearing given the issues in dispute.
5. The vast majority of the CEMEX's witnesses hearing will be traveling from Southern California to Las Vegas for the hearing.
6. Petitioner has issued a Subpoena Duces Tecum requiring CEMEX to compile and produce an extensive amount of documents and information, some of which is unique to each of the 26 facilities.
7. The attorney handling the hearing for CEMEX, Paul Trimmer, was just retained to handle this matter on Tuesday, December 4, 2018, and had no previous involvement with this matter.
8. CEMEX is requesting to reschedule the hearing to: (a) allow the Parties additional time to negotiate a potential Stipulated Election Agreement; (b) allow additional time for witnesses to travel from Southern California to Las Vegas and prepare for the hearing; (c) allow additional time to compile the extensive information and documents requested in the Petitioner's Subpoena; and (d) allow additional time for attorney Trimmer to familiarize himself with the case and prepare for the lengthy hearing.
9. The undersigned has consulted with counsel for the Petitioner, Caren Sencer. The Petitioner opposes the request to reschedule.

10. This Motion is being electronically filed consistent with the NLRB E-Filing System protocols.

11. A copy of this Motion is being served simultaneously by electronic mail on opposing counsel.

WHEREFORE, pursuant to Sections 102.16(a) and 102.24 of the Board's Rules and Regulations, CEMEX respectfully requests that the Region reschedule the hearing in the above-referenced matter as requested in Paragraph 2 above, or in the alternative, on another date mutually convenient for the parties and the Region.

Date: December 7, 2018

Respectfully submitted,

By: /s/ Ross Gardner .

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FILED ELECTRONICALLY

December 7, 2018

COPIES mailed this same date to:

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By: /s/ Ross Gardner.
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